

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, THIRD CALLED SESSION

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## PROCEEDINGS

FOURTH DAY — MONDAY, SEPTEMBER 22, 2003

The house met at 12 p.m. and, at the request of the speaker, was called to order by Representative West.

The roll of the house was called and a quorum was announced present (Record 29).

Present — Mr. Speaker; Allen; Alonzo; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Bailey; Dawson; Hardcastle; Jones, E.; Jones, J.; Nixon; Reyna; Solomons.

Absent — Capelo; Heflin; Moreno, J.; Wise.

The invocation was offered by Reverend Shane Kinnision, pastor, Parkdale Baptist Church, Corpus Christi.

## **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today and the remainder of the week because of illness in the family:

Hardcastle on motion of Geren.

The following member was granted leave of absence for today because of personal business:

J. Jones on motion of Ellis.

The following member was granted leave of absence temporarily for today because of a flight delay:

Reyna on motion of Kuempel.

The following member was granted leave of absence for today and the remainder of the week because of illness:

Solomons on motion of Kuempel.

The following member was granted leave of absence for today because of illness in the family:

Dawson on motion of Wong.

The following members were granted leaves of absence for today because of important business:

E. Jones on motion of Kuempel.

Nixon on motion of Kuempel.

The following member were granted leaves of absence for today because of important business in the district:

Bailey on motion of Thompson.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Capelo and Heflin now present)

#### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

Wise on motion of Dunnam.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Truitt on motion of Allen.

#### **HR 56 - ADOPTED (by Rose)**

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 56**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 56**, In memory of Lieutenant Colonel (Ret.) Rodney Saylor Griffith of Lockhart.

**HR 56** was read and was unanimously adopted by a rising vote.

On motion of Representative Gattis, the names of all the members of the house were added to **HR 56** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Rose who introduced the family of Lieutenant Colonel Rodney Saylor Griffith.

#### **HR 108 - ADOPTED (by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 108**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 108**, Honoring Dallas city councilwoman Lois Finkelman.

**HR 108** was adopted without objection.

On motion of Representative Marchant, the names of all the members of the house were added to **HR 108** as signers thereof.

#### **HR 107 - ADOPTED (by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 107**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 107**, Honoring Julius' Castle restaurant in San Francisco, California, on its culinary achievements.

**HR 107** was adopted without objection.

#### **HR 104 - ADOPTED (by Haggerty)**

Representative Haggerty moved to suspend all necessary rules to take up and consider at this time **HR 104**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 104**, Honoring Steve Robinson of Austin on the occasion of his retirement from the Texas Youth Commission.

**HR 104** was read and was adopted without objection.

On motion of Representative Gattis, the names of all the members of the house were added to **HR 104** as signers thereof.

(Reyna now present)

**HR 67 - ADOPTED**  
**(by Harper-Brown)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 67**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 67**, Honoring Scott Stuart of the Carrollton Police Department for his heroism.

**HR 67** was read and was adopted without objection.

On motion of Representative McCall, the names of all the members of the house were added to **HR 67** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Harper-Brown who introduced Scott Stuart, his wife, and a delegation from Carrollton.

**HR 37 - ADOPTED**  
**(by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 37**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 37**, Honoring Jim Burnett of Dallas for his contributions to Texas families.

**HR 37** was adopted without objection.

On motion of Representative McCall, the names of all the members of the house were added to **HR 37** as signers thereof.

**HR 38 - ADOPTED**  
**(by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 38**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 38**, Honoring William E. Sleeper on the completion of his tenure as president of the Independent Insurance Agents of Dallas.

**HR 38** was adopted without objection.

On motion of Representative Marchant, the names of all the members of the house were added to **HR 38** as signers thereof.

**HR 36 - ADOPTED**  
**(by Mercer)**

Representative Mercer moved to suspend all necessary rules to take up and consider at this time **HR 36**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 36**, Honoring Craig Rendon of San Antonio for his contributions as a geography teacher.

**HR 36** was read and was adopted without objection.

On motion of Representative Castro, the names of all the members of the house were added to **HR 36** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Mercer who introduced Craig Rendon and students and teachers from Communications Arts High School, San Antonio.

**HR 102 - ADOPTED**  
**(by Pitts)**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 102**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 102**, Recognizing Ryan Martin for making a hole in one at the 11th annual Pitts-N-Putters Golf Tournament.

**HR 102** was adopted without objection.

**HR 103 - ADOPTED**  
**(by Pitts)**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 103**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 103**, Recognizing Alan Ware for making a hole in one at the 11th annual Pitts-N-Putters Golf Tournament.

**HR 103** was adopted without objection.

**HR 112 - ADOPTED**  
**(by Bohac)**

Representative Bohac moved to suspend all necessary rules to take up and consider at this time **HR 112**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 112**, Recognizing Harry and Frances Burke of McDade on their 50th wedding anniversary.

**HR 112** was adopted without objection.

**HR 111 - ADOPTED**  
**(by Mabry and Dunnam)**

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 111**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 111**, Opposing any proposal to close the Waco Veterans Affairs Hospital.

**HR 111** was adopted without objection.

**HR 44 - ADOPTED**  
**(by Mabry)**

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 44**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 44**, Honoring Millard Sheppard of Waco on his 107th birthday.

**HR 44** was adopted without objection.

**HR 92 - ADOPTED**  
**(by Gattis)**

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 92**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 92**, Commending Texas state trooper Dwayne Urbanovsky for his heroism and congratulating him on his receipt of the Department of Public Safety's Director's Citation Award.

**HR 92** was adopted without objection.

**HR 57 - ADOPTED**  
**(by Hamilton)**

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 57**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 57**, Honoring James and Beverly Reeh of Orange on their 50th wedding anniversary.

**HR 57** was adopted without objection.

**HR 91 - ADOPTED**  
**(by Hamilton)**

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 91**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 91**, Congratulating Stacy Kristine Heilman and Joseph Todd Glazer on their engagement.

**HR 91** was adopted without objection.

**HR 93 - ADOPTED**  
**(by Flynn)**

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 93**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 93**, Recognizing the centennial of Oakland Baptist Church.

**HR 93** was adopted without objection.

**HR 106 - ADOPTED**  
**(by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 106**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 106**, Honoring Alex Labry on his retirement as photography manager for the Texas House of Representatives.

**HR 106** was read and was adopted without objection.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 106** as signers thereof.

**INTRODUCTION OF GUEST**

The chair recognized Representative Goolsby who introduced Alex Labry.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of a death in the family:

Driver on motion of Pitts.

**HR 68 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 68**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 68**, Honoring the Alpha Kappa Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated, on its 75th anniversary.

**HR 68** was adopted without objection.

**HR 69 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 69**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 69**, Congratulating Clarence O'Neal "Brad" Bradford on the occasion of his retirement as Houston's chief of police.

**HR 69** was adopted without objection.

**HR 99 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 99**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 99**, Honoring the life of Evelyn Victor Woods Robeson of Houston.

**HR 99** was unanimously adopted by a rising vote.

**HB 3 - PRINTING RULE SUSPENDED**

Representative Goolsby moved to suspend House Rule 12, Section 1(a)(2) to permit the senate amendments to **HB 3** to be printed without the house engrossment text.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING**  
**AND REFERRAL TO COMMITTEES**  
**RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)



(Speaker in the chair)

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 31 ON SECOND READING  
(by Pitts, Luna, and McClendon)**

**CSHB 31**, A bill to be entitled An Act relating to certain provisions regarding teachers and retired teachers.

Representative Pitts moved to postpone consideration of **CSHB 31** until 1:30 p.m. today.

The motion prevailed without objection.

**HB 50 ON SECOND READING  
(by Pitts)**

**HB 50**, A bill to be entitled An Act relating to the compensation of district judges in Ellis County.

**Amendment No. 1**

Representative Gattis offered the following amendment to **HB 50**:

Amend **HB 50**, by adding SECTION 2 to read as follows:

SECTION 2. Subchapter A, Chapter 32, Government Code, is amended by adding Section 32.246 to read as follows:

Sec. 32.246. WILLIAMSON COUNTY. (a) Notwithstanding Section 659.012, the Commissioners Court of Williamson County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court for services rendered and for performing administrative duties.

(b) The salary is in addition to the salary paid by the state and any other authorized compensation.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Dunnam offered the following amendment to **HB 50**:

Amend **HB 50** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_ . Section 32.108(a), Government Code, is amended to read as follows:

(a) Notwithstanding Section 659.012, the [The] Commissioners Court of Hidalgo County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court for services rendered and for performing administrative duties.

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Dunnam offered the following amendment to **HB 50**:

Amend **HB 50** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_ . Section 32.155(a), Government Code, is amended to read as follows:

(a) Notwithstanding Section 659.012, the [The] Commissioners Court of McLennan County may pay the judges of the district courts having jurisdiction in the county an annual salary in an amount set by the commissioners court for administrative services. The salary is in addition to the salary paid by the state.

Amendment No. 3 was adopted without objection.

**HB 50**, as amended, was passed to engrossment.

**LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

J. Moreno on motion of Noriega.

The following member was granted leave of absence for the remainder of today because of illness in the family:

Escobar on motion of Noriega.

**HB 50 ON THIRD READING**

(by Pitts)

**CONSTITUTIONAL RULE SUSPENDED**

Representative Pitts moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 50** on its third reading and final passage.

The motion prevailed without objection.

The speaker laid **HB 50** before the house on its third reading and final passage.

**HB 50** was read third time and was passed.

(Geren in the chair)

**HR 41 - ADOPTED**

(by J. Davis)

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HR 41**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 41**, Honoring the life of Juan N. Seguin for his contributions to Texas.

**HR 41** was adopted without objection.

**HCR 5 - ADOPTED****(by J. Davis)**

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HCR 5**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 5**, Commending the achievements of the Honorable Miguel Alemán Velazco, governor of Veracruz, Mexico.

**HCR 5** was adopted without objection.

**HCR 7 - ADOPTED****(by J. Davis)**

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HCR 7**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 7**, Commending the achievements of the Honorable Enrique Martínez y Martínez, governor of the State of Coahuila, Mexico.

**HCR 7** was adopted without objection.

**HR 86 - ADOPTED****(by Craddick)**

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HR 86**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 86**, Honoring William and Dorothy Vaughn of Midland on their 60th wedding anniversary.

**HR 86** was adopted without objection.

**HR 87 - ADOPTED****(by Craddick)**

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HR 87**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 87**, Honoring Vernon and Shirley Gilbert of Midland on their 50th wedding anniversary.

**HR 87** was adopted without objection.

**HR 81 - ADOPTED****(by Castro)**

Representative Castro moved to suspend all necessary rules to take up and consider at this time **HR 81**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 81**, Honoring Sandra Cisneros of San Antonio for her literary accomplishments.

**HR 81** was adopted without objection.

**HR 76 - ADOPTED****(by Mabry)**

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 76**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 76**, Honoring Ira Walton for his outstanding achievements in the 17th National Veterans Golden Age Games.

**HR 76** was adopted without objection.

**HR 98 - ADOPTED****(by Dawson)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 98**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 98**, Honoring the Bay Area Council of the Boy Scouts of America on its 85th anniversary.

**HR 98** was adopted without objection.

**HR 109 - ADOPTED****(by Hegar and Callegari)**

Representative Hegar moved to suspend all necessary rules to take up and consider at this time **HR 109**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 109**, Honoring Memorial Lutheran School of Katy.

**HR 109** was adopted without objection.

**HR 90 - ADOPTED**  
**(by Rose)**

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 90**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 90**, In memory of Larry Hovis of San Marcos.

**HR 90** was unanimously adopted by a rising vote.

On motion of Representative Hope, the names of all the members of the house were added to **HR 90** as signers thereof.

**HR 113 - ADOPTED**  
**(by Marchant)**

Representative Marchant moved to suspend all necessary rules to take up and consider at this time **HR 113**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 113**, Recognizing November 3-7, 2003, as Municipal Courts Week.

**HR 113** was adopted without objection.

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**CSHB 31 ON SECOND READING**  
**(by Pitts, Luna, and McClendon)**

**CSHB 31**, A bill to be entitled An Act relating to certain provisions regarding teachers and retired teachers.

**CSHB 31** was read second time earlier today and was postponed until 1:30 p.m.

**Amendment No. 1**

Representatives Luna, Pitts, McReynolds, and McClendon offered the following amendment to **CSHB 31**:

Amend **CSHB 31** as follows:

(1) On page 1, line 23, strike "out-of-state" and substitute "equivalent or special".

(2) On page 2, lines 2-3, strike "2009, and, at the time of retirement; and" and substitute "2009;".

(3) On page 2, line 7, after the semicolon, insert the following:  
and

(iv) has taken a service retirement without reduction for early age;

(4) On page 2, line 17, strike "in the system" and substitute "described by this paragraph".

(5) On page 2, line 20, strike "take" and substitute "taken".

(6) On page 3, strike lines 1-2 and substitute the following:

(b) Each year of service credit in the system that an individual would have received but for the individual's participation in the deferred retirement option plan under Subchapter I, Chapter 824, Government Code, is considered a year of service credit solely for the purpose of meeting the definition of "retiree" under Subsection (a)(1)(A) or (D).

(c) In this section, "public school" has the meaning assigned by Section 821.001, Government Code.

SECTION 2. Section 1575.161(b), Insurance Code, as added by Chapter 1231 and Chapter 201, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(b) In addition to the enrollment periods authorized under Subsection (a), a retiree who:

(1) is enrolled in the group program as of August 31, 2004, and who is 65 years of age or older on that date may select coverage as described by Subsections (c) and (d) on September 1, 2004; ~~or~~

(2) is enrolled in the group program as of August 31, 2004, and who is 65 years of age after that date may select coverage as described by Subsections (c) and (d) on the date that the retiree is 65 years of age; or

(3) enrolls in the group program on or after September 1, 2004, and who is 65 years of age or older on or after that date may select coverage as described in Subsections (c) and (d) on the date that the retiree is 65 years of age.

SECTION 3. Section 1575.161, Insurance Code, as added by Chapter 213, Acts of the 78th Legislature, Regular Session, 2003, is redesignated as Section 1575.170, Insurance Code.

(7) On page 3, lines 11-12, strike "65 years of age" and substitute "eligible under Section 1575.004".

(8) On page 3, line 18, before the period, insert "at the time of retirement".

(9) On page 6, line 18, strike "or whether".

(10) On page 6, lines 20-21, strike "either reported or spent".

(11) Renumber SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

**CSHB 31**, as amended, was passed to engrossment.

**HB 31 ON THIRD READING**  
**(by Pitts, Luna, and McClendon)**  
**CONSTITUTIONAL RULE SUSPENDED**

Representative Pitts moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 31** on its third reading and final passage.

The motion prevailed by (Record 30): 98 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Flores; Flynn; Gallego; Garza; Gattis; Giddings; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Naishtat; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solis; Swinford; Talton; Taylor; Uresti; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Burnam; Castro; Coleman; Dunnam; Farabee; Farrar; Homer; Laney; Lewis; Mabry; Martinez Fischer; Mercer; Noriega; Oliveira; Olivo; Puente; Raymond; Rodriguez; Stick; Telford; Thompson; Turner; Villarreal; Wolens.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Bailey; Capelo; Dawson; Driver; Escobar; Hardcastle; Jones, E.; Jones, J.; Moreno, J.; Nixon; Solomons; Truitt; Wise.

Absent — Alonzo; Canales; Corte; Deshotel; Dukes; Goodman; Guillen; Hopson; Krusee; Menendez; Moreno, P.; Smithee; Wilson.

### STATEMENT OF VOTE

When Record No. 30 was taken, my vote failed to register. I would have voted yes.

Guillen

The chair laid **HB 31** before the house on its third reading and final passage.

A record vote was requested.

**HB 31** was read third time and was passed by (Record 31): 131 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Naishtat; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez;

Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Stick; Swinford; Talton; Taylor; Telford; Thompson; Turner; Uresti; Van Arsdale; Villarreal; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Bailey; Dawson; Driver; Escobar; Hardcastle; Jones, E.; Jones, J.; Moreno, J.; Nixon; Solomons; Truitt; Wise.

Absent — Deshotel; Krusee; Menendez; Moreno, P.; Wilson.

(Speaker in the chair)

### **POSTING RULE SUSPENDED**

Representative Denny moved to suspend all necessary rules to allow the Committee on Elections to consider **HB 52**.

The motion prevailed without objection.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Elections, upon adjournment today, E2.012, for a public hearing, to consider **HB 39** and **HB 52**.

### **STATEMENT BY REPRESENTATIVE SMITHEE**

On Wednesday, September 17, 2003, I am shown as absent on several votes. I became ill and had to leave the house chamber.

### **ADJOURNMENT**

Representatives Eiland and Elkins moved that the house adjourn until 2 p.m. Wednesday, September 24 in honor of Edward Henry Vane of Austin and in memory of James Crowell of Conroe.

The motion prevailed without objection.

The house accordingly, at 2:25 p.m., adjourned until 2 p.m. Wednesday, September 24.

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### **ADDENDUM**

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### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:



**List No. 1**

**HB 52** (By Howard), Relating to the filing of personal financial disclosure statements by municipal officers and candidates, members of the boards of trustees of school districts, and directors of sports and community venue districts.  
To Elections.

**HB 53** (By Goolsby), Relating to the right of an adopted person to have access to the person's original birth certificate.  
To Juvenile Justice and Family Issues.

**HB 54** (By Gattis), Relating to the compensation of district judges in Williamson County.  
To Judicial Affairs.

**HB 55** (By Coleman and Naishtat), Relating to restoring essential health and human services programs; depositing certain funds to the credit of the general revenue fund; and making appropriations.  
To Appropriations.

**HB 56** (By Wise), Relating to an appropriation to The University of Texas Health Science Center at San Antonio to support the Regional Academic Health Center.  
To Appropriations.

**HB 57** (By Pitts), Relating to making an appropriation to the Texas Department of Licensing and Regulation from fees collected by that department for the purpose of administering the provisions of **SB 279**, Acts of the 78th Legislature, Regular Session, 2003.  
To Appropriations.

**HB 58** (By Chavez), Relating to appropriations for personal needs allowances for residents of certain care facilities.  
To Appropriations.

**HB 59** (By Wise), Relating to procedures adopted by a state entity to ensure an employment preference for veterans.  
To Defense Affairs and State-Federal Relations.

**HB 60** (By Wise), Relating to procedures adopted by a state entity to ensure an employment preference for veterans.  
To Criminal Jurisprudence.

**HB 61** (By Eissler), Relating to certain disciplinary powers of the Texas State Board of Public Accountancy.  
To Licensing and Administrative Procedures.

**HB 62** (By King), Relating to the creation, composition, and funding of the 415th Judicial District.  
To Judicial Affairs.

**HB 63** (By Giddings), Relating to the performance of workers' compensation research by the Texas Department of Insurance; making an appropriation.

To Government Reform.

**HCR 7** (By J. Davis), Commending the achievements of the Honorable Enrique Martinez y Martinez, governor of the State of Coahuila, Mexico.

To Rules and Resolutions.

**HCR 8** (By W. Smith), Giving legislative authorization to a Vietnam War monument for the Capitol grounds, subject to state law and rules of the State Preservation Board.

To House Administration.

**HCR 10** (By Christian), Designating the East Texas What-A-Melon Festival as the Official Watermelon Festival of the State of Texas.

To State Cultural and Recreational Resources.

**HCR 12** (By Paxton), Honoring the birth of Haley Marie Phillips.

To Rules and Resolutions.

**HJR 5** (By Hochberg, R. Cook, McReynolds, and Pitts), Proposing a constitutional amendment establishing the Texas Congressional Redistricting Commission to redistrict congressional districts.

To State Affairs.

**HR 76** (By Mabry), Honoring Ira Walton for his outstanding achievements in the 17th National Veterans Golden Age Games.

To Rules and Resolutions.

**HR 81** (By Castro), Honoring Sandra Cisneros of San Antonio for her literary accomplishments.

To Rules and Resolutions.

**HR 85** (By Griggs), Congratulating Paul Rowntree of Colleyville on his receipt of the Clyde Mooney Award from the Hurst-Euleless-Bedford Chamber of Commerce.

To Rules and Resolutions.

**HR 86** (By Craddick), Honoring William and Dorothy Vaughn of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 87** (By Craddick), Honoring Vernon and Shirley Gilbert of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 88** (By Paxton), Congratulating Amanda Davis of McKinney on the birth of her quadruplets.

To Rules and Resolutions.

**HR 89** (By Martinez Fischer), In memory of Anne Stringer Drennan of San Antonio.

To Rules and Resolutions.

**HR 90** (By Rose), In memory of Larry Hovis of San Marcos.  
To Rules and Resolutions.

**HR 94** (By Garza), Honoring the Eagle Pass Babe Ruth League All-Stars.  
To Rules and Resolutions.

**HR 95** (By Garza), Commending the success of the Modo He team at the 2003 Youth and Adult National Taekwondo Championship and the AAU Junior Olympic Games.  
To Rules and Resolutions.

**HR 96** (By Wise), Honoring Diana De Los Santos Marroquin of Donna on being named Guzman Elementary School Teacher of the Year.  
To Rules and Resolutions.

**HR 97** (By Callegari and Hegar), In memory of John F. "Dude" Callender of Katy.  
To Rules and Resolutions.

**HR 98** (By Dawson), Honoring the Bay Area Council of the Boy Scouts of America on its 85th anniversary.  
To Rules and Resolutions.

**HR 100** (By Wise), Honoring Orville and Dorothy "Jackie" Berry of Weslaco on their 60th wedding anniversary.  
To Rules and Resolutions.

**HR 101** (By Wise), Congratulating Bryan Zurlo of Weslaco on his graduation from the Marine Military Academy and his achievements in cycling.  
To Rules and Resolutions.

### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

#### **Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, September 22, 2003

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 9** Edwards SPONSOR: Whitmire  
Granting the legislature permission to adjourn for more than three days.

Respectfully,

Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

#### **September 18**

Environmental Regulation - **HCR 1**

### ENGROSSED

**September 17 - HB 1, HB 2, HB 3, HB 7, HB 23, HB 24, HB 25, HB 28,  
HB 29, HB 35, HB 36, HB 37**